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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,178	03/27/2002	Masahiro Hibino	1163-0399P	5097

2292 7590 10/30/2007
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EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2615

NOTIFICATION DATE	DELIVERY MODE
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10/30/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/089,178	Applicant(s) HIBINO ET AL.	
	Examiner Devona E. Faulk	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) 2-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/15/2007 have been fully considered but they are not persuasive.
2. The applicant asserts that prior art Heumann fails to teach an operating device mounted in a neighborhood of a driver performing a predetermined operation by the driver and a control device for outputting a first control signal based on what sort of operation is performed by the operating device and a first signal attenuator for attenuating an input signal to said headphone in response to the first control signal. The examiner disagrees. Heumann disclose a control device (32, Figure 1) that outputs a first control signal based on what sort of operation is performed by the driver and a control device (32) for outputting a first control signal based on the operating performed by the operating device (30) and a first signal attenuator (16) that attenuates an input signal to said headphone in response to the first control signal (column 2, line 56-column 3, line 20).
3. The applicant further asserts that claim 1 refers to a driver performing an operation using an operating device near the driver, thus in the front seat of the car and that Heumann discloses controlling the rear headphones with a rear control. The examiner asserts that the claim language only says that the operating device is mounted in the neighborhood of a driver. The claim language does not recite that the operating device is near the driver or the front seat of the car and the term neighborhood does not equate to the front seat of the car or necessarily near the driver.

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4. The applicant also asserts that one of ordinary skill in the art would not look to the applicant's admitted prior art which discloses using audiovisual devices to combine with Heumann's audio only system. The examiner disagrees. The examiner asserts that it would have been obvious to modify Heumann by replacing its audio devices with audiovisual devices in order to provide visual entertainment as well as audio entertainment to the user.

5. Claims 2-15 are withdrawn from consideration.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heumann et al. (US 5,661,811) in view of the applicant's admitted prior art (hereafter AAPA)(page 1, line 13-page 3).

Regarding claim 1, Heumann discloses an onboard audio system comprising:

A plurality of audio devices (10,12,14, Figure 1);

A front seat speaker and a rear seat speaker for outputting reproduced audio from said audio devices (20 and 36, Figure 1);

A headphone for rear seat passengers for independently outputting a reproduced audio from one of said audio devices arbitrarily selected by the rear seat passengers through a rear seat control (38, Figure 1);

An operating device mounted in a neighborhood of a driver for performing a predetermined operation by the driver (30, Figure 1)

A control device for outputting a first control signal based on what sort of operation is performed by said operating device (32, Figure 1; column 2, line 56-column 3, line 20));

And a first signal attenuator for attenuating an input signal to said headphone in response to said first control signal (16, Figure 1; column 2, line 56-column 3, line 20)).

Heumann fails to disclose a plurality of audiovisual devices. The applicant's admitted prior art discloses an onboard audiovisual apparatus. It would have been obvious to modify Heumann by replacing the audio devices with audiovisual devices in order to provide visual entertainment in addition to audio entertainment to the user. All elements of claim 16 are comprehended by the rejection of claim 1.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heumann et al. (US 5,661,811) in view of the applicant's admitted prior art (hereafter AAPA)(page 1, line 13-page 3) in further view of Smith et al. (GB 2 246 688 A). Regarding claim 17, Heumann as modified by AAPA discloses an input signal to a headphone that is attenuated in response to said first control signal (column 2, line 56-column 3, line 20). Heumann as modified by AAPA fails to disclose that the input signal

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is attenuated by 10dB. Smith discloses attenuating an input signal to a headphone by 10dB (abstract). It would have been obvious to modify Heumann as modified by attenuated the input signal to the headphone by 10dB as taught by Smith in order to prevent a high noise level in the output signal.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF


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